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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,338	01/30/2002	Robert G. Watkins	06975-232001	6135

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EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,338

Applicant(s)

WATKINS, ROBERT G.

Examiner

Thong H Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/02/8/02</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-92 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12,19-43;50-74,78-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen [5,638,448] in view of Simon [6,871,276 B1].

2. As per claim 63, Nguyen discloses an apparatus for identifying an unauthorized client communication system seeking access to a host communication system, the apparatus comprising:

a performing device structured and arranged to perform a mathematical computation on an access password and a (client-communication-system-specific) identifier [Nguyen, the server calculates the User ID, password with a predefined formula, col 16 lines 57-65] and

a designating device structured and arranged to designate a client communication system as unauthorized based on a result of the mathematical computation [Nguyen, prevents unauthorized penetration, col 3 lines 1-11; 58-64; col 4 lines 24-33; col 6 lines 17-64; col 20 lines 31-34].

However Nguyen does not explicitly detail the client ID as a client-communication-system-specific identifier. It was well-known in the Network security art

that a client device (i.e.: client system) provides a security level with an identifier for certifying authority as taught by Simon [Simon, col 6 lines 22-50];

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the client-communication-system-specific identifier or a numeric level of a predefined set of security levels and an identifier of certifying authority as taught by Simon into the Nguyen's apparatus in order to utilize the mathematical computation process for network security. Doing so would provide the ability to track user's behavior.

3. As per claim 64, Nguyen-Simon disclose the mathematical computation comprises a hashing algorithm [Nguyen, hash function, col 4 lines 12-16].
4. As per claim 65, Nguyen-Simon disclose the mathematical computation is performed when a communication is initiated [Nguyen, a predefined formula, col 4 lines 59-65].
5. As per claim 66,67 Nguyen-Simon disclose the access password comprises a subscriber password or a user password [Nguyen, user ID, col 4 lines 12-16].
6. As per claim 68, Nguyen-Simon disclose the access password comprises an account password as inherent feature of user password.

7. As per claim 69, Nguyen-Simon disclose the client-communication-system-specific identifier varies based on the client communication system [Nguyen, signature C1, C2 col 4 lines 1-21].
8. As per claim 70, Nguyen-Simon disclose the client-communication-system-specific identifier comprises a device-specific identifier [Nguyen, the client generates a 192 bit key from the server name, col 4 lines 10-12].
9. As per claims 71,74 Nguyen-Simon disclose the device-specific identifier comprises a hard disk identifier [Nguyen, storage disks, col 11 lines 38-46].
10. As per claim 72, Nguyen-Simon disclose the device-specific identifier comprises an Ethernet address [Nguyen, LANs, col 3 lines 1-11].
11. As per claim 73, Nguyen-Simon disclose the device-specific identifier comprises a central processing unit serial number [Nguyen, a local CPU, col 7 lines 10-25].
12. As per claim 78, Nguyen-Simon disclose a device structured and arranged to terminate communications from the client communication system if the result of the first mathematical computation does not correspond to result of the host-based mathematical computation.

13. Claim 79 contain the similar limitations set forth in the apparatus claim 63.

Therefore claim 79 is rejected for the same rationale set forth in the apparatus claim 63.

14. As per claim 80,81 Nguyen-Simon disclose the performing device includes a device for storing the result of the mathematical computation comprises storing the result on the client communication system, a performing device for performing a mathematical computation comprises performing the mathematical computation at the client communication system, and an access password storing device for storing the access password comprises storing the result on the host communication system.

15. As per claim 82, Nguyen-Simon disclose device structured and arranged to store the result on the client communication system.

16. Claims 83-92 contain the similar limitations set forth in the apparatus claims 64,66-74. Therefore claims 83-92 are rejected for the same rationale set forth in the apparatus claims 64,66-74.

17. Claims 1-12;19-43; 50-62 contain the similar limitations set forth in the apparatus claims 63-74,78-92. Therefore claims 1-12;19-43;50-62 are rejected for the same rationale set forth in the apparatus claims 63-74,78-92.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-18;44-49;75-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen [5,638,448] in view of Simon [6,871,276 B1] and further in view of Cole et al [Cole 6,564,232 B1].

18. As per claim 75, Nguyen discloses a first computation result device structured and arranged to retrieve a result of a first mathematical computation performed on the access password and the client-communication-system-specific identifier, a retrieving device structured and arranged to retrieve the client-communication-system-specific identifier from the client communication system, and a device structured and arranged to retrieve (a version of) the access password located on the host communication system, wherein the performing device comprises a device for performing the mathematical computation at the host using the retrieved version of the access password located on the host communication system and the client-communication-system-specific identifier [Nguyen, the server calculates the User ID , password with a predefined formula, col 16 lines 57-65] [Simon, client system provides a security level with an identifier for certifying authority, col 6 lines 22-50]

the designating device comprises a device for designating the client communication system as unauthorized based on whether the result of the first

mathematical computation corresponds to the result of the host-based mathematical computation [Nguyen, prevent s unauthorized penetration, col 3 lines 1-11; 58-64; col 4 lines 24-33; col 6 lines 17-64; col 20 lines 31-34].

However Nguyen-Simon does not explicitly detail a version of the access password.

In the same endeavor, Cole discloses a distribution data processing system using a version database to check the login and password version in record [Cole, col 8 lines 50-col 9 line 5]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the version database which provides the previous password version as taught by Cole into the Nguyen's apparatus in order to utilize the password authentication process. Doing so would enhance the consistent performance and data security.

19. As per claims 76,77 Nguyen-Simon-Cole disclose retrieving the first mathematical computation result comprises a device for retrieving the result of the first mathematical computation from the client communication system as inherent feature of the predefined formula and compares it [Nguyen, col 4 lines 60-65].

20. Claims 13-15;44-46 contain the similar limitations set forth in the apparatus claims 75-77. Therefore claims 13-18;44-49 are rejected for the same rationale set forth in the apparatus claims 75-77.

21. As per claims 16-18 Nguyen-Simon-Cole disclose sending a notification to the client communication system indicating the designation of the client communication system as an unauthorized client communication system if the result of the first mathematical computation does **not** correspond to the result of the host-based mathematical computation [Nguyen, the server can be informed if a database has been changed, col 12 lines 9-25; a server administrator can send a message to information server should be out of service, col 12 lines 53-67].

22. Claims 47-49 contain the similar limitations set forth in claims 16-18. Therefore claims 47-49 are rejected for the same rationale set forth in claims 16-18.

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-USP 5,579,126. Otsuka discloses the network provides user access based on user record including user name, password and an authorization attribute and a previous log-out record, [Otsuka, col 5 lines 22-30, Fig 3A].

-USP 5,918,009. Gehani discloses a technique for sharing information on Internet wherein the user login to the network based on ID, password are pre-selected by the previous registration [Gehani, col 2 lines 54-64].

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
Art Unit 2142

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.